

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, October 22, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Bob Anderson, Commissioner
Matt Brainard, Commissioner
Bob Rowe, Commissioner

APPEARANCE

Steve Vick
Utility Division

(440) In the matter of Qwest Communications, Docket No. N2002.9.121; On September 5, 2002, Qwest filed Tariff Transmittal 02-26 ISDN Single Line Promotion. In this filing Qwest is requesting that customers subscribing to ISDN single line service under a one, two, three or five year rate stability agreement will receive a waiver of non-recurring charges and a \$55 credit against monthly recurring charges on their first telephone bill after installation. Contracts must be signed by December 27, 2002. The customer requested installation date may be no later than February 25, 2003. Commissioner Rowe moved to approve the promotion. Commissioner Stovall seconded the motion, which passed with a vote of 4-1. Commissioners Anderson, Feland, Rowe and Stovall voted aye. Commissioner Brainard dissented..

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(441) In the matter of TN2160; Thomas F. Kenneally, Butte, Montana requests permission to continue the lease of PSC No. 4448 to The McGree Corporation, Butte, Montana for a twelve month period. October 12, 2002 to October 12, 2003.

Class D - Ashes, trash, waste, refuse, rubbish and garbage within the town of Whitehall, Montana, and to or from points tributary thereto, but within a distance not exceeding eighty (80) miles in any direction from town. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Commissioner Brainard moved to approve the continued lease. Commissioner Rowe seconded the motion, which passed unanimously.

(442) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of October 14, 2002. Commissioner Rowe seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

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APPEARANCE

Robin McHugh, Will Rosquist, Eric Eck, Susan Good

(443) In the matter of the Commission's discussion of the legal and policy issues regarding transfer of control or ownership of NorthWestern Energy's transmission assets, Docket No. D2002.10.130; Commissioner Brainard moved to issue a notice (regarding transmission assets sale) and requirement to make a filing. Commissioner Rowe seconded the motion, which passed unanimously.

Commissioner Brainard moved to issue a notice and docket the issue (regarding RTO West) Commissioner Feland seconded the motion. Commissioner Anderson moved to table the motion. Commissioner Stovall seconded the motion to table, which failed with a vote of 2-3. Commissioners Anderson and Stovall voted aye. Commissioners Brainard, Feland and Rowe voted dissented. The original motion passed with a vote of 3-2. Commissioners Brainard, Feland and Rowe voted aye. Commissioners Anderson and Stovall dissented.

APPEARANCE

Martin Jacobson

(444) In the matter of the Commission's discussion of Whitehall Wind LLC's Application for QF Rate Determination, Docket No. D2002.8.100; Commissioner Brainard moved to issue a protective order. Commissioner Anderson seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson

(445) In the matter of the Commission's discussion of utility appliance merchandising and servicing; Commissioner Rowe moved to send NorthWestern Energy a letter reminding it of and enclosing a copy of the Commission's policy. Commissioner Anderson seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel

(446) In the matter of the Commission's discussion of Qwest's previously unfiled interconnection agreements, Dockets No. D97.2.19, D99.3.68, D2000.11.196 and D2001.1.7, Application by Qwest Corporation and Mid-Rivers Telephone Cooperative, Covad Communications, DSLnet and McLeodUSA respectively, for Approval of Wireline Interconnection Agreements; Commissioner Rowe moved to adopt the Montana Consumer Counsel's recommendation and instruct Qwest to file redacted portions by October 31, 2002. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Rowe moved to issue a notice of inquiry to further define the scope of the interconnection agreements based on the Federal Communications Commission's order of October 4, 2002. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel

(447) In the matter of the Commission's discussion of Qwest Communications and Excel Telecom, GANOCO, ICG Telecom, Wireless of Montana, NOW Communications, Level 3 Communications, Montana Wireless and Centel Services, Dockets No. D2002.7.91, D2002.7.83, D2002.7.84, D2002.6.75, D2002.6.74, D2002.6.68, D2002.4.48, and D2002.7.95, respectively.

Commissioner Rowe moved to approve the Excel agreement. Commissioner Brainard seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the GANOCO agreement and amendment. Commissioner Brainard seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the ICG Telecom agreement and amendment of June 21, 2002. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the Wireless of Montana agreement. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the NOW Communications. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the Level 3 agreement and amendment of September 6, 2002. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the Montana Wireless with modifications indicated in the staff memo. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the Centel agreement. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Kate Whitney

(448) In the matter of the Commission's discussion of Telecommunications Service Standards Rulemaking, Docket No. L-98.4.2-RUL; Commissioner Rowe moved to issue a notice of proposed rulemaking with toll limitation. Commissioner Stovall seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, October 24, 2002, the following members were present:

Bob Anderson, Commissioner
Matt Brainard, Commissioner
Bob Rowe, Commissioner

Commissioners Feland and Stovall were absent and did not leave votes.

APPEARANCE

Robin McHugh, Mike Lee, Marla Larson, Steve Vick

(449) In the matter of the Commission's discussion of the Federal Energy Regulatory Commission's Standard Market Design NOPR; Commissioner Brainard moved to authorize staff to draft SMD comments and share them with other stakeholders. Commissioner Rowe seconded the motion, which passed with a vote of 3-0.

There being no further business to come before the Commission the meeting was adjourned.

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)